

NOT FOR PUBLICATION

[Dkt. No. 25]

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

RAHIM CALDWELL,

Plaintiff,

v.

THOMAS M. PERROTTI, ROBERT
ROBBINS,

Defendants.

Civil No. 08-5920 (RMB)

ORDER

THIS MATTER having come before the Court upon Defendants' motion to dismiss the Complaint for Plaintiff's failure to answer Defendants' interrogatories and notice to produce pursuant to New Jersey Court Rule 4:23-5; and

THE COURT NOTING that in response to Defendants' motion, Plaintiff filed an opposition on August 14, 2009, confirming his refusal to comply with discovery rules and requests; and

THE COURT FURTHER NOTING that on August 24, 2009 this Court issued a Memorandum & Order ordering Plaintiff to "advise the Court in writing by August 31, 2009 that he will comply with all discovery rules and requests" and that "[f]ailure to do so will result in dismissal without prejudice..." [Dkt. No. 31]; and

THE COURT FINDING that Plaintiff has failed to comply with the Court's August 24, 2009 Order and, in fact, has continued to

assert, without any basis, that he is exempt from discovery rules [see Dkt. No. 32, 33];

IT IS ON THIS **2nd** day of **September** 2009, ORDERED that the above matter be and is hereby dismissed without prejudice, see, e.g., National Hockey League v. Metropolitan Hockey Club, Inc., 427 U.S. 639 (1976) (upholding district court's dismissal of case based on plaintiff's failure to answer written interrogatories timely); Azkour v. Aria, 2009 WL 1416692 (3d Cir. May 21, 2009) (affirming district court's dismissal of case due to plaintiff's failure to comply with discovery orders); and

IT IS FURTHER ORDERED that the Clerk of the Court shall close this case and the case shall remain closed unless and until Plaintiff advises the Court in writing that he intends to comply with the discovery rules and requests.

Dated: September 2, 2009

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge